UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/943
13 October 1998

ORIGINAL: ENGLISH

LETTER DATED 13 OCTOBER 1998 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am writing this letter to you in order to present the views of the Democratic People's Republic of Korea on the report of the "United Nations Command" circulated as a document of the Security Council (S/1998/844, annex).

The "United Nations Command" has not been established by a Security Council resolution. It is nothing more than a product of fabrication by the United States of America, which has been arbitrarily abusing the name of the United Nations to cover up the aggressive nature of the United States forces and the illegitimacy of their being stationed in south Korea.

Security Council resolution 84 (1950) of 7 July 1950, which has been claimed by the United States to be the basis for the establishment of the "United Nations Command", was adopted in the absence of the then Soviet Union, a permanent member, from the Security Council meeting. Therefore, its adoption constituted a clear violation of Article 27, paragraph 3, of the Charter of the United Nations, which at that time provided that the decisions of the Security Council on all matters except procedural ones required an affirmative vote of seven members, including the concurring votes of the permanent members.

This illegally adopted resolution only recommended that all Members providing military forces and other assistance "make such forces and other assistance available to a unified command under the United States". It never recommended the establishment of a "United Nations Command".

If the "United Nations Command" is a real entity, it means that the United Nations Organization has its own standby forces in south Korea, and if this is the case, the Command should be placed under the control of the United Nations, not that of the United States. However, at present, the United Nations has no control over the "United Nations Command" politically, militarily or financially.

Today, the United States forces stationed in south Korea change their helmets, marked "United States Forces Command", "Republic of Korea-United States Combined Forces" and "United Nations Command", in different circumstances.

By camouflaging the United States forces in south Korea as the "United Nations Command", the United States has made the Democratic People's Republic of Korea and the United Nations Member States to appear as if they had belligerent relations and is abusing the name of the United Nations in pursuance of its political and military strategy towards Korea.

In this regard, we have doubts about the legitimacy of the "United States Forces Command" in south Korea presenting a report to the Security Council under the name "United Nations Command".

We hold that all the Member States of the United Nations, and in particular, the Security Council, should disclose the true colours of the "United Nations Command" and take measures to correct the situation to save the United Nations from being abused by the United States, thus enabling it to make a real contribution to the maintenance of international peace and security.

In the report of the "United Nations Command", the United States completely distorted and fabricated the historical facts concerning the destroyed Korean armistice system.

The United States is a ringleader who destroyed the Korean armistice system.

No sooner had the United States signed the Armistice Agreement in July 1953 than it began resorting to building up arms for its re-aggression of our country.

Subparagraph 13 (d) of the Armistice Agreement stipulates the cessation of the introduction into Korea of reinforcing combat material from outside.

Nevertheless, the United States introduced a huge quantity of reinforcing combat material and weapons into south Korea, even by employing the vicious method of branding them "supplies for PX" in order to deceive the Neutral Nations Inspection Teams (NNITs), whose mandate was to supervise the introduction of combat material.

Among the combat material introduced by the United States into south Korea during the period from the conclusion of the Armistice Agreement until 15 April 1954, those detected by NNITs were 177 combat aircraft, 465 guns of various calibres, 6,400 rockets of various calibres, 145 mortars of various calibres and 1,365 machine-guns of various calibres.

When its illegal arms build-up was revealed, the United States declared at the 70th meeting of the Military Armistice Commission (MAC), on 31 May 1956, that it would have all NNITs withdrawn from the ports of entry in the south and forced the withdrawal of all NNITs on 9 June 1956.

Far from being satisfied with this, the United States declared at the 75th meeting of the MAC, on 21 June 1957, that it would unilaterally abrogate subparagraph 13 (d) of the Armistice Agreement.

Paragraph 13 of the Armistice Agreement was a key provision, essential for preventing the recurrence of war on the Korean peninsula.

With the abrogation of subparagraph 13 (d) of the Armistice Agreement, a legal basis for averting the recurrence of war was removed from the Agreement in actuality. Since then, the Neutral Nations Supervisory Commission supervising the implementation of subparagraph 13 (d) of the Agreement was left with no function at all.

The United States, systematically wrecking the functions and role of the armistice supervisory mechanism, designated a general officer of the south Korean army as the "senior member" of the Military Armistice Commission from the "United Nations Command" side on 25 March 1992. This kind of act on the part of the United States brought about the complete paralysis of the Military Armistice Commission.

In this respect, the United States alleged in the report that the south Korean puppet army could represent the "United Nations Command", arguing that the Commander-in-Chief had signed the Armistice Agreement as Commander of all "United Nations Command" forces, including 16 United Nations Member States and south Korea, and south Korea provided assurances that it would abide by the terms of the Agreement.

This allegation by the United States is groundless. The recommendation contained in paragraph 3 of Security Council resolution 84 (1950) is confined only to the Members of the United Nations. Accordingly, south Korea, not being a Member at that time, did not become part of the so-called "United Nations Command" forces and strongly opposed the conclusion of the Armistice Agreement. This clearly proves that south Korea is not a signatory to the Agreement. Moreover, it is nonsensical and illogical, even in terms of common sense, for the United States to say that the south Korean puppet army, which has no military prerogative of operational command over itself, can represent the "United Nations Command" forces.

As for the above-mentioned assurances, the United States seems to refer to the information it provided to the Democratic People's Republic of Korea during the negotiations for the conclusion of the Armistice Agreement that south Korea confirmed its expressed intention not to block the implementation of the Armistice Agreement.

It is too self-evident that such a procedural format cannot be a legal action making south Korea a signatory to the Armistice Agreement.

Even under international law, any assurances by the countries concerned relating to a certain agreement, be it bilateral or multilateral, cannot justify their being parties to that agreement.

Accordingly, the appointment by the United States of a general officer of the puppet army of south Korea, which is not a signatory to the Armistice Agreement and has no military prerogative, as a senior member of the Military Armistice Commission from the "United Nations Command" side, is an illegal and

deliberate act in every aspect, aimed at disintegrating the military armistice mechanism.

Out of a desire to maintain even only the Military Armistice Commission, we repeatedly requested the United States to re-designate a senior member.

However, the United States persistently stood against it, thus having the Military Armistice Commission terminate its existence.

Therefore, we recalled all members of the Military Armistice Commission from our side. Afterwards, the Chinese side also recalled its delegation of army volunteers in the same year.

When the Military Armistice Commission terminated its existence, the delegation of Poland to the Neutral Nations Supervisory Commission, which had already been left with nothing to do since the abrogation of subparagraph 13 (d) of the Armistice Agreement on the part of the United States, had no choice but to withdraw.

Today, because of the completely paralysed armistice system on the Korean peninsula, a security vacuum still remains, failing to prevent even a minor accident or armed conflict.

Under these circumstances, we advanced an epoch-making proposal in February 1996 to conclude an interim agreement between the Democratic People's Republic of Korea and the United States and to establish a joint military mechanism for implementing the above agreement as a provisional measure to preserve even only the present armistice status safely until a peace agreement is adopted.

But the United States has not yet responded to our proposal.

The United States forces stationed in south Korea constitute a root cause of the aggravating and tense situation on the Korean peninsula.

The United States side has been engrossed in increasingly grave provocations, posing serious threats to the Democratic People's Republic of Korea by reinforcing heavy weapons and automatic rifles along the demilitarized zone. Last year, the United States conducted nearly 2,000 air espionage acts against the Democratic People's Republic of Korea by flying all strategic and tactical reconnaissance planes such as U-2s, RC-135s and RC-12s over the airspace of the military demarcation line.

Last year, the United States reorganized its forces in south Korea into a field army system for a wartime situation and reinforced its 500-strong force. This year, it made public that it would deliver to the south Korean puppets 500 TOW-2A air-to-surface missiles and 280 short-range multi-purpose rocket launchers. Worse still, every year the United States is conducting joint military exercises, including the "Ulji Focus Lens" and "Fowl Eagle", thus bringing the situation to the brink of war.

For the Fowl Eagle joint military exercises conducted last year, the United States mobilized all the United States troops in south Korea and the south Korean puppet forces together with 1,400 warplanes of all kinds and 300 warships, such as the extra-large aircraft carrier Independence, and other cruisers and destroyers.

In such a grave situation, it is attributable to a strong will for peace and maximum patience on our part that another war has not broken out so far on the Korean peninsula.

The United States, while intentionally aggravating the situation on the Korean peninsula and opposing the conclusion of a peace agreement, is desperately attempting to maintain the paralysed armistice system only to justify itself in its bid to continuously keep United States forces in south Korea.

This is absolutely intolerable because it is an act of the United States to achieve its political and military objective even at the cost of another country.

The only way to put an end to the armistice state and to achieve durable peace on the Korean peninsula is to withdraw the United States forces and to conclude a peace agreement between the Democratic People's Republic of Korea and the United States.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) LI Hyong Chol
Ambassador
Permanent Representative